

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : **10/814785**
Applicant : Mac et al.
Filing date : April 1, 2004
Title : Method and Apparatus for Treating the Body
TC/A.U. : 3735
Examiner : **Farah**
Docket No. : **5351**
Customer No. : 26936

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR REFUND OF APPEAL FEE

Sir:

We noted an appeal in this application on March 12, 2008. On April 7, before we had prepared our brief on appeal, Examiner Farah issued a new non-final rejection without withdrawing the case from appeal.

On September 6 Mr. Marmor advised us, in response to our April 24 inquiry and subsequent phone calls, that the status of this case had been changed by the Office from on appeal to rejected. He advised the procedure was correct and that we could no longer pursue the appeal.

Inasmuch as the appeal was not withdrawn by the Applicant, it would now be appropriate to receive a refund of the fee (\$225) Applicant paid March 12 for noting appeal. Kindly apply the refund to Deposit Account 19-2110.

Respectfully submitted,

/Charles Fallow/

Charles W. Fallow
Reg. No. 28,946

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October 14, 2008